

April 18, 2011

GLORIA L. FRANKLIN, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA



Signed: April 18, 2011

Daniel B. Beck, SBN 63865  
Evan Livingstone, SBN 252008  
Beck Law P.C.  
2681 Cleveland Avenue  
Santa Rosa CA 95403  
Phone: 707-576-7175  
Fax: 707-576-1878

  
ALAN JAROSLOVSKY  
U.S. Bankruptcy Judge

Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re:	Case No.	10-11995
Charles Denis Downie and Lydia Downie	Chapter	13
Debtor(s)		

ORDER GRANTING MOTION TO VALUE LIEN AS \$0  
AND AVOID LIEN UPON DISCHARGE OF DEBTOR

On September 17, 2010 Debtor filed a motion to value and avoid the junior lien of California Department of Veterans Affairs (hereinafter Lienholder) against the property commonly known as 10133 Fairway Dr, Kelseyville, CA 95451, Lake County AP #043-573-22, which lien secures an Improvement Advance Contract No. 970512 which was made between debtor and Junior Lienholder debtor on October 15, 2007 and was filed as claim # 4 in this bankruptcy (hereinafter the Lien).

On November 29, 2011 Junior Lienholder filed document #36 withdrawing Junior Lienholder's opposition to Debtor's motion to value and avoid Junior Lienholder's Lien. Therefore the court hereby orders as follows:

//

1 (1) For purposes of Debtor's chapter 13 plan only, the Junior Lien of California  
2 Department of Veterans Affairs is valued at zero dollars (\$0), does not have a secured claim, and  
3 the Junior Lien may not be enforced, pursuant to 11 U.S.C. §§ 506, 1322 (b)(2) and 1327.

4 (2) This order shall become part of Debtor's confirmed chapter 13 plan.

5 (3) Upon entry of a discharge in Debtor's chapter 13 case, the Junior Lien shall be voided  
6 for all purposes, and upon application by Debtor, the court will enter an appropriate form of  
7 judgment voiding the Junior Lien.

8 (4) If Debtor's chapter 13 case is dismissed or converted to one under another chapter  
9 before Debtor obtains a discharge, this order shall cease to be effective and the Junior Lien shall  
10 be retained to the extent recognized by applicable non-bankruptcy law, and upon application by  
11 the lienholder, the court will enter an appropriate form of order restoring the Junior Lien.

12 (5) Except as provided by separate, subsequent order of this court, the Junior Lien may  
13 not be enforced so long as this order remains in effect.

14 \*\* END OF ORDER \*\*  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24